

## Doctrine of Removal.

From the Madisonian, Jan'y 5, 1841.

### APPOINTMENTS TO OFFICE.

The publication in the Government newspaper, from day to day, of long lists of officers, under the head of "Appointments by the President, by and with the advice and consent of the Senate," has brought very forcibly to our recollection certain transactions in Executive session of the Senate during the memorable winter of 1828-'29. It may be well, just at this time, to revive a scrap or two of the history of that period, and show how different was the course then of some who are now prominent supporters of President Van Buren from the conduct they now think proper to pursue. If the reminiscence should not raise those politicians in the estimation of the people who preserve some regard for consistency—if the contrast between their course then and their course now should not increase the reader's respect for their partisanship, the fault is not ours.

Somewhat before the close of President Adams' Administration, a vacancy occurred on the Bench of the Supreme Court of the United States, by the death of the Hon. Robert Trimble. At the beginning of the session of 1828-'29—namely, on the 17th of December, 1828, Mr. Adams nominated to the Senate, John J. Crittenden (the present distinguished Senator from Kentucky) to fill the vacancy. The Committee of the Judiciary to whom the nomination was referred, made a report on the 25th of January following, declaring it inexpedient to act upon the nomination during that session. This report had been agreed upon in a caucus in which some of the leading friends of the present President took an active part; and by whom it was determined that all the more important nominations of President Adams should be postponed till after the 4th of March. These extraordinary and unprecedented resolutions of the Judiciary Committee gave rise to a debate which was continued from the 25th of January to the 12th of February; and, in the course of which, Mr. Wm. W. (who had just entered on his first term of service as Senator from Massachusetts) particularly distinguished himself by his zeal, ability, and eloquence in defending the true doctrine of the Constitution, the just rights of the President, and insisting on the proper obligations of the Senate. On the 12th of February, the question was taken; and it was formally resolved that the nomination of Mr. Crittenden should not be acted upon. It was postponed to the special session of the Senate, called after the 4th of March, when a distinguished citizen of Ohio, well known to have been an influential supporter of Gen. Jackson, was nominated to the office and confirmed forthwith. The failure to act upon the nomination of Mr. Crittenden left a vacancy on the Bench of the Supreme Court, during the whole of the term beginning January 1829. Among those who joined in the act of postponing, on this occasion, were Mr. Johnson of Kentucky, Mr. Benton of Missouri, Mr. Secretary Woodbury, Mr. Madison Diehlson, late Secretary of the Navy, and Mr. McKinley, now himself a Judge of the Supreme Court of the United States. Mr. Calhoun, if we are not mistaken, presided in the Chair, and countenanced the whole proceedings.

In this instance, [which was select, because it is peculiarly notable, and because the arbitrary course of the majority was singularly displayed therein, as no man could be found to urge the slightest objection to Mr. Crittenden, on the score of fitness] the friends of President Van Buren anticipated their power by three months, and fictitiously refused to discharge the duty imposed on them by the Constitution to fill an office deemed necessary for the ends of justice, and the general interest of the country.

As they then anticipated the exercise of their power, they are now, we understand, contriving by different devices and tricks, to prolong their patronage, and continue to their favorites and creatures, for more or less of the period of the next four years, the emoluments and party advantages which official place can bestow. One plan to accomplish this object is by resignations. Certain office-holders, whose terms are to expire soon after Gen. Harrison's inauguration, will resign in order to allow some other friends of the administration to be appointed for four years, who would hold on until re-elected. It is hoped by the administration that some of these new appointees may be allowed to remain—and if not, the spoilsman flatters themselves with an idea that they will at least throw on the Harrison administration some odium for dismissing them.

Another plan is that which, if carried into effect, has already been resorted to by President Van Buren—to make appointments to take effect from and after the fourth of March next—as is alluded to in the following paragraph which we cut from one of our exchange papers:

"It is stated in the Boston Atlas that the President has nominated Jonas L. Sibley for re-appointment to the office of U. S. Marshal for that district from and after the fourth of March next, when the commission which he now holds will expire. We imagine that Gen. Harrison will consider himself entitled to the privilege of appointing to all offices 'from and after the 4th of March next.'"

Do Mr. Calhoun, and Mr. Benton, and Col. Johnson, and their friends in the Senate, think it "expedient" now to act upon nominations which fall under either of these classes?

We shall see. In the meantime let the public scan every nomination with an observant and vigilant eye; and the public decision, we doubt not, will be, that those who succeed in obtaining offices by systematic plotting of resignation on the part of others, or by appointment "from and after the 4th of March next," ought to be among the very first to be dismissed under the coming Administration.

From the Madisonian, Jan'y 9.

### APPOINTMENTS TO OFFICE.

In a recent article, under this head, we

endeavored to impress on our readers, the marked difference between the conduct now of the prominent members of the Senate Party, in reference to nominations to office by a President—who is a defeated candidate for re-election—and the course they pursued during the winter of 1828-'29. In examining the Executive Journal of the Senate for that session, we find a still stronger illustration of their inconsistency—of their disregard of principle, and law, and the Constitution then—and their unscrupulous partisanship, than was given even by the discreditable proceedings on the nomination of Mr. Crittenden to a seat on the Bench of the Supreme Court, to which we have already referred. We discover that, not content with anticipating their power and patronage by three months, they positively, and in terms, denied to President Adams the very right to nominate and appoint, which President Van Buren, after an overwhelming and unprecedented condemnation by the people, is exercising every day, with their sanction and countenance!

During the debate on Mr. Crittenden's nomination, Mr. Chambers, then a Senator from Maryland, offered a resolution declaring that the power of the President to nominate and appoint was intended to be exercised by him during the whole period for which he should be elected, for all such vacancies as should occur during that period, and that the duty of the Senate to confirm or reject the nominations of the President, was as imperative as his duty to nominate. The practice of the Executive and the Senate had previously accorded, as all men acquainted with the history of the Government well know, with these views. The present partisans of Mr. Van Buren (and, no doubt, by his instigation, or at least, most certainly, in perfect compliance with his wishes)—rejected the doctrine expressed in the resolution of Mr. Chambers, and repudiated the uniform practice of the Government which conformed to, and was based upon, that doctrine. They determined, by their recorded votes, that it was expedient and proper to alter the settled practice, and they deemed it not expedient to act upon nominations of the President, made three months previous to the expiration of his term.

Must not these gentlemen now have a considerable share of assurance—must not their foreheads be pretty well braced by frequent political tergiversation—to seek to take advantage of the doctrines which they lately condemned, and repelled, and even go farther and, by appointments from and after the period to which they are allowed by the Constitution to hold on, though condemned by the people, endeavor to perpetuate their power and patronage!

We have the satisfaction of knowing that our suggestion that all persons who succeed in obtaining office from President Van Buren, by collusion and the trick of resignation on the part of obnoxious incumbents, or by appointments from and after the fourth of March next, ought to be among the first to be furnished by the coming Administration, with nothing papers, meets with the general concurrence of the friends of General Harrison here; and has been cordially responded to by several of the independent presses of the country. The subject has been publicly referred to, also, in the Senate. Mr. Clay, of Kentucky, a few days ago, while remonstrating against the course of the party now in power in undertaking at the close of a condemned Administration, to establish new systems of policy, reminded the partisans of Mr. Van Buren now in the Senate, and who were also members in 1828-'29, of the course they pursued. He said he would not, as they did, deny to the President the full use of his power and patronage. But, he added, if the Senators thought that, by prematurely and unnecessarily filling up offices—by a systematic lapping over of appointments for the next four years—Gen. Harrison would be prevented from using his just constitutional power they would find themselves mistaken. That illustrious citizen and soldier will be President, on the fourth of March, and he will exercise the powers and discharge the duties of President, with patriotism—with firmness—with moderation—but, the spoilsman may be assured, in such a manner as to give no countenance or support to their pretensions.

Extract from a speech of the Hon. H. CLAY, in the Senate, Jan. 6, 1841.

Now I put it to the Administration Senators in this body—to their candor—to their patriotism—to their sense of justice—is it right, on the close of the Administration of a dismissed Ministry, to introduce a new and totally different policy in regard to one of the greatest interests of the country? Is it right, is it fair, that the policy of the existing Administration now pushing out of power shall be made to lap over on the new Administration without consulting them or paying the least regard to their judgment in the matter? The progress of the Administration of the American Government has developed on the practical operation of our system a new feature, and one of the most profound importance. A different political phenomenon takes place here from anything which exists in Europe. In European constitutional Governments, when a Ministry is dismissed or goes out of office, the King or the Queen, as the case may be, yields to the change of sentiment, and come round with the nation. But here an Administration may be dismissed and still remain four months in power. What in such a case, is it their duty to do? I will tell gentlemen what I would do in the like circumstances. I would institute no new measures of policy. I would simply keep the political machine in motion. I would grease the wheels and repair and preserve all its parts in a state of preparation for the performance of those high duties for which the whole was constructed; but I would attempt nothing new in the permanent policy of the country, foreign or domestic. By such a moderate course alone can the evils of the anomaly to which I have adverted be prevented. I would not ask gentlemen to deny themselves a fair exercise of the Executive patronage from now till

the 4th of March next. I do not ask them to do what was done when Mr. Adams was expelled from the Presidency—I should say, lost his election. What did they do then? The Senate refused to pass on important Executive nominations till after the 4th of March, and then several of them were withdrawn, and substitutes sent in by the new President. The Senate refused him the constitutional exercise of his official right from the time of his lost election till he went out of office. This I do not ask. I dare to say General Harrison, when he comes, will look at those whom he finds in office, and, if he finds that they are honest and capable and faithful, that they have not been noisy and forward politicians, nor brought their official influence in conflict with the freedom of elections; if any such there be, I hope he will let them stand (tho' I fear there will be but few) as monuments of the liberty of a Whig Administration, acting on patriotic principles. But if gentlemen expect that General Harrison, because they choose to rush on and make appointments, with a view to thwart his Administration, will, when he comes here, fear to do his duty; either they or I have mistaken the man. General Harrison means to be the Patronizer on the 4th of March next, which his fellow-citizens have elected him to be. And no premature bill, no stretching out of the policy of this into the next Administration, is going to restrain him from looking at those in office, and deciding for himself whether they possess the requisite qualifications for the discharge of their official duty.

## Missouri Legislature.

Correspondence of the Bonville Observer. JEFFERSON CITY, Jan. 20th, 1841.

### HOUSE OF REPRESENTATIVES.

This day was consumed chiefly in committee of whole on the bill organizing new counties. The committee recommended the organization of fifteen and the bill was made the special order of the day for Monday next.

January 21—Evening Session. Mr. Phelps handed to the clerk a resolution adopted by the Directors of the Bank, authorizing the President to withdraw the State bonds from Huth & Co., which he desired to have read. On being called to the regular order of business should first be disposed with, he read the resolution himself. Several bills establishing State roads were read a third time and passed.

A bill amending the charter of the St. Louis flouring mill company so as to give them the privilege of selecting a site, was read a third time, when Mr. Redman moved to amend by rider that the Legislature might repeal the charter at pleasure.

Mr. Wood opposed the rider upon the ground that if the Legislature adopted a rule in granting charters by which it would become necessary for the Legislature to enquire and determine whether corporations had violated their charters, the State might be involved in endless expense. The courts he thought were the proper tribunals to determine such questions, and he would vote for no charter that had such a provision.

Mr. Price said: It was known that citizens of St. Louis had come here and asked charters for one thing, and after their corporation, had used their privileges for entirely different purposes. Those corporations now (said Mr. Speaker) set us at defiance. We would be glad to get at them, but they are beyond our reach. If we undertake to repeal their charters, they will appeal to the Supreme Court and still go on doing business until the case is decided, which may not be for ten years. He held that the Legislature had power to repeal charters at pleasure, whether they embraced such provision or not—but thought it best to have it inserted to prevent all evil. He called the yeas and nays.

Mr. Young objected to the rider as tending indirectly to deny the right of trial by jury, which was guaranteed by the constitution.

Mr. Redman concurred with the Speaker. He thought it difficult to determine between Judicial and Political discussions. Although no Legislature in his opinion could grant powers which a subsequent Legislature could not repeal—it was safest to incorporate the provision in the charter.

Mr. Dougherty said: He was not disposed to argue the subject, but would make a remark or two. I acknowledge the power of this House. I concur with the gentleman from Howard on that point, and with him feel the full preparation of my weight. I can but contrast my present feelings with those of which I was the subject last August. I then felt quite small, but after the election, and as I approached nearer and nearer this great capital, I felt myself growing larger and larger until, at present, I feel like I could crush one of these flouring mills to powder. The gentleman and myself can make laws, but he should remember there were other departments of the Government. A corporation was not a law, and it properly belongs to the Judiciary to say whether the law was violated. I stood six, day after day, and ground at a hand mill, and I rejoice at the improvements that are going on at this time—I shall be glad to see this flouring mill encouraged. We should settle this question at once, and not have so many battles about it. The contest is renewed whenever a charter is under consideration, and if we are determined to adopt this rider as a rule, let us say so at once.

I wish I was such a politician as the gentleman from Howard, or that I had his sagacity or perseverance. When he takes hold he never lets go till he has won. You are a lawyer, Mr. Speaker, I believe, but not a sure. You know there is a disease among houses called the head-bug. It is a very dangerous disease, and sometimes gets among politicians. It is to be feared that the gentleman from Howard has a touch of it. If you are not a farmer, sir, I am, and on one occasion in building a crib I determined to have it rat proof. Yes, sir, I intended to have it so secure that not even a ground squirrel should be able to steal my grain. But there was a little striped fellow (you know there are such Mr. Speaker) that came to a certain crack and gnawed and gnawed until he cut a place large enough to squeeze in. After getting in, he turned into feeding with all his might, throwing in right and left, till he was filled up, and attempting to get out with his jaws stuffed with corn, his hole was too small for him. He reared and pitched at the hole until eventually sir, he but his brains out in the crib. I hope the gentleman may not meet this untimely end.

Mr. Redman said he supposed when the gentleman from Clay was referring to his enlargement since the election, that he intended to apply to himself the anecdote he had given us the other day of being too large for his breeches—the gentleman seemed to have entirely outgrown them.

The bill, as amended by rider, passed.

A bill to incorporate the St. Louis fire company. And a bill authorizing B. D. Tallafors to peddle without license, was read a third time and passed.

A bill proposing to change the time of meeting of the General Assembly to the 3d Monday in October was rejected. And the House adjourned.

Messrs. Ellis and Mitchell presented petitions praying the establishment of State roads.

Messrs. Mitchell and Mason presented petitions praying the organization of new counties.

Messrs. Bouldin and Holsman presented petitions of private individuals, all of which were referred to appropriate committees.

The following bills were read a third time and passed.

A bill concerning the Lincoln Academy.

A bill requiring the Auditor to give a quietus upon lands and towns forfeited for non-payment of taxes, when it shall appear that such lands were improperly returned.

A bill concerning bills of mortality in St. Louis and its vicinity. It requires Physicians and Sextons to return weekly lists of all deaths, burials, &c.

A bill changing the place of holding elections in Missouri Township, in Boone county, from Douglas to Rockport.

A bill organizing the Bonville Hotel company.

An act for the relief of Joseph C. Brown and others.

A resolution allowing Mr. Jackson of Andrain, pay from the commencement of the session.

A bill establishing State roads from Massie's iron works, to Hermon, Farmington and Spring field.

January 25th, 1841.

DEAR SIR: Very little business of a general nature has been done since my last. On Saturday Mr. Mitchell called up the Protest submitted by himself some time since, upon the subject of the resolutions offered by the Speaker, in the early part of the session. It was not permitted to appear upon the Journals.

You have been informed that the bill recommending the organization of fifteen new counties was made the special order of the day. After reports from select committees, (one of which reported adversely to the petition from your county, praying a change in the State road from this place to Bonville,) the new county bill was taken up and passed by a party vote.

When it was called upon, Mr. Mansly moved to refer it back to the committee with instructions to furnish the House all the information in their possession, relative to the population, soil &c. of the respective counties, which resolution was voted down.

Mr. Boy of St. Louis, then offered a resolution requiring its reference back to the committee with instructions to report to the House, whether the law requiring notice to be published two months before the presentation of a petition for a new county had been complied with.

Mr. Redman made a question of order. The Speaker decided that it was in order, but suggested that it was susceptible of division. A motion was then made to take the question upon its reference which was done and decided in the negative.

The whigs showed, that according to the census, without making a single new county, the minority will have the nomenclature at the next session of the Legislature. Of the 100 members, fifty one will represent something more than one fifth of the population, who pay only about two thirds of the revenue.

It was urged by the friends of the bill, that many persons in these new counties have to travel from seventy to a hundred miles to court—that representation at present is unequal, and many counties that have but one Representative, have a population equal to that in counties which send two. They thought themselves justifiable in being governed by what the population of these new counties will probably be two years hence. To this it was answered that the Constitution restricted the Legislature to facts. That they had no right, in forming new counties, to anticipate what their population might be; and that the present inequality in representation was unavoidable from the influx of population since the last apportionment, and would be corrected so soon as the new apportionment is made.

When this bill was disposed of, that which proposed to organize the county of Gentry, was taken up and rejected. A scene of confusion ensued, and the evening was spent in calling the yeas and nays, upon a roll of the House, and the question of adjournment.

When the Legislature will adjourn is altogether uncertain. At the late of which business has been done for a few days, it is not chimerical to say they will be here until June.

Yours, &c.

DISGRACEFUL.—The following statement we copy from the Washington correspondence of the Boston Atlas:

There has been a practice prevailing here for some years past, to a limited extent, which is a chronicle of events at the Capitol, I feel called upon to expose. The two Houses of Congress, you know, are allowed a large number of Pages, or boys in waiting, to run to and from the Senate Chamber and all of the House, to do the bidding of the members. These boys most of whom are under ten and twelve years, are allowed 1.50 a day, or 19.50 a week for this little service. Some half a dozen years since, some ardent members brought them some, and obtained employment for them as Messengers. The practice was always regulated, and in one instance old "Ben Hanlin" of Ky., threatened a father to expose his son to the House, if he did not withdraw his son from the service. The threat was successful to accomplish its purpose. At the last session, Dr. Dorman, so notorious, and so infamous all over the land, brought on his son for this purpose. Col. Johnson gave him a Messenger's place in his room, and he was paid for eight months services, and 8250 extra at the end of the session, in all between six and seven hundred dollars. This session, again, the Doctor brings forward his son, and he receives per diem as before, and will at the end of the session, probably receive an extra payment—such being the practice. This practice I have thought deserving of public notice, for if such things are done in the green tree, what may be done in the dry. There are scores of orphan boys here, and the sons of poor parents, why should the employment be given to the imported boys of foreign politicians. It is not necessary to send to Ohio for a common runner of errands, nor is it dignified to say the least, for a member of Congress to thrust his son upon the Vice-President.

Good.—A better in New York gives a definition of the common phrase "over head and ears in debt." He says, in his advertisement, it means a man has't paid for his hat.

## From the Atlas. SYMPTOMS OF TROUBLE IN THE TORY RANKS.

It is not a little amusing to witness the great anxiety which the would-be candidates for the Presidency among the leaders, manifest to trumpet abroad their great regard for Mr. Van Buren. The "man of Kindredhook" has been so badly beaten that he is not only defeated but forever disgraced. 'The loco loco party, we think, can never again be brought to rally to his support. Aware of this, we see the Bentons, the Calhouns, at it once genus of aspirants for the honor of a defeat four years hence, each striving to out do the other in their expressions of devotion to their prostrate chief. By so doing they pass with the party for a vast deal of credit and regard on the score of self-denial—devotion to the cause, while they have nothing to apprehend from one who has utterly ruined their party, and can therefore extol him without fear. Their praise of M. Van Buren costs them nothing while they hope to benefit by it. But they will find that their efforts will be as unsuccessful as their professions of love to Mr. Van Buren, are utterly selfish and insincere. There are too many aspirants not to jostle one another, and the road by which Benton, Calhoun, &c. are striving to reach the goal, is open to all. Already are the travellers therein crossing the path of one another. Benton, on his way to Washington, without consultation with his party, announces in Cincinnati, his desire that Van Buren may be the candidate four years hence. But Mr. Calhoun does the same thing on his way from Charleston, and Mr. Buchanan, from Pa. Each wishes to forestall public opinion, and each by uniting in a pretended desire to promote what they are most anxious to prevent, may in the end, bring about the very result they are most anxious to avoid. Meanwhile, Calhoun manifests symptoms of an intention to desert in case he is not the candidate. Benton denounces him, while Buchanan, King of Alabama, Nicholas, and others, are doing all they can to checkmate the movements of both.

In reference to this matter, the Washington correspondent of the Philadelphia North American says:

"Mr. Calhoun has disconcerted his friends by avowing a determination to give a qualified support to Gen. Harrison. He waits for his measures—for the full disclosure of his policy, before he will commence an opposition; and he promises him a hearty support in case his measures should suit his views. The next gentleman in Mr. Buchanan, out he is viewed with great jealousy. Mr. Benton has no strength in the Senate, whatever he may have with the radical interests of the country. The measures which he brings forward and advocates, are generally spurned by his own political friends in that body."

SCATTERING AMONG THE LOCOS.—It would seem from the following passage in the letter of a Washington correspondent to the N. Y. Evening Post, that the Locos are about to make a grand rush upon the whigs—that they already sneer at their late Lords, and set up to be whigs of long standing. We feared this from the beginning. The only means of correcting or obviating it, is to require of these gentlemen record proof of their conversion anterior to the election in November.

"At this moment whilst my pen is tracing this note, there are within the distance of some twenty yards of me, a squad of office holders—men who were Democrats in August—who are holding forth, and abusing the present administration."

A year ago and less, when Mr. Van Buren was in the fullness of the 'pride of power,' when it was supposed that his election was not in danger, these same miserable and detestable sycophants were on the alert to do him homage—

"The more and less came in with cap and knee; Met him in boroughs, cities, villages; Attended him on bridges, stood in lanes, Laid gifts before him—proffered him their oaths; Gave him their kisses, as pages followed him;" but now the sceptre is departing from his hands—for the moment only, I trust—and the very same reptiles are employing themselves to blacken his fair fame, and thus ingratiate themselves with the next Executive. If Gen. Harrison wishes such stuff, let him take them to his bosom."

From the Florence (Ala.) Enquirer, Dec. 19. ELECTORAL VOTE OF ALABAMA.

It seems that, by informality in conducting the proceedings in the Electoral College of this State, the vote of Alabama for President and Vice President will be lost. The Constitution of the United States provides that the mode of voting in the Electoral Colleges for President and Vice President shall be by ballot—that the two shall be voted for by distinct ballots—and that these facts shall appear on the face of the certificate of election. According to the order of proceeding in the Electoral College of this State, as given in our last paper, from the Tusculosa Monitor, the Electors did not vote by ballot, and distinctly for each officer, but by viva voce—each Elector rising when his name was called, and responding "Martin Van Buren, of New York, for President of the United States, and Richard M. Johnson, for Vice President." Of course, this departure from the plan expressly laid down in the Constitution of the United States will be effectually nullified and abrogate the vote of the State, when the certificates come to be opened and the ballots counted in Washington, as would be the adoption of the viva voce system by an individual in our State elections destroy his vote. It was a strange oversight or culpable ignorance in the Electors to conduct the proceedings as they did, but, under the circumstances of the great difference between the vote for Gen. Harrison and Mr. Van Buren, one which will be attended by no worse consequences than the loss of Alabama's seven votes to Mr. Van Buren and his party in the State. Had the two candidates, however, been within a few votes of each other, the consequences might have been no less than the success of a man as President, without a majority of suffrages.

The Richmond Whig is mistaken in supposing that there are only 600 white persons, upwards of 20 years of age, in the county of Albemarle, who can neither read nor write. We had not believed it, but a reference to the late census of the county discloses the melancholy fact, that there are seven hundred and thirty-five in this lamentable condition! What a reproach to our Legislators does this fact convey! Is there no bold, energetic spirit now in the Legislature, who will take hold of this subject and never relax his grasp, until some system is adopted which will convey light and knowledge to the people? It is a burning shame, that so large a portion of the citizens of Virginia should be permitted to grow up in absolute ignorance. Let the press speak out upon this subject.—Char. Adv.

"Thus far into the bowels of the earth have we marched on without impediment," as the man said when he fell into the empty well.

"I'll take the responsibility"—as the nurse said when she took the baby.

## BATTLE IN FLORIDA.

The following from the New Orleans Picayune, contains a fuller and more minute account of the victory obtained by Col. Harney over Chechichi than any we have seen:

VICTORY OVER CHECHICHI'S PARTY.—We yesterday received the particulars of a victory achieved by the brave Col. Harney over Chechichi's tribe and of the death of Chechichi himself. For this information we are indebted to Capt. Burrows, of the Schooner Emeline, arrived here from New York via Key West.

It seems that over a year ago a negro came into Cape Florida and informed the commanding officer that Chechichi intended to attack Indian Key. The officer paid no attention to this warning and the negro remained about the settlement. About the middle of December last, Col. Harney heard of the circumstance and immediately went to Cape Florida and had a conversation with the negro. The latter told him that he could guide him to the Island where Chechichi and his tribe were secreted, but that he, the Colonel, must have at least 300 men if he expected to be successful. Col. H. succeeded in raising 90 men, and finding he could procure no more, determined upon an expedition with this number and hazard an attack. They set off in boats, with the negro as a guide, and on reaching Miami River the latter said that the Indians were on an Island close by in the everglades. Col. Harney disposed of his men in such a manner that they could completely surround the Island and attack it on all sides, but owing to some misunderstanding of orders one of the officers made an attack too soon, giving the Indians warning. A severe fight, however, immediately ensued, in which Col. Harney's party were victorious after losing one man and having two others wounded. On the part of the Indians two were killed and twenty-nine taken prisoners. Among the killed was Chechichi himself. He was shot by a private after a chase which lasted nearly four miles. Finding his pursuer nearing him Chechichi threw away his rifle; but the private soon got within shot when the chief sat down and raised one of his hands. In this position the former fired and lodged a ball in his side. Having one of Colt's patent rifles he immediately discharged it a second time, the ball taking effect and causing Chechichi's instant death.

Among the prisoners taken by Col. Harney were seven warriors. These he had brought up and hung in presence of the rest of the prisoners. It is supposed there were about eighty warriors on the Island, all of whom would have been killed or taken, had Col. Harney's orders as to the mode of attack been strictly carried out.

The women and children are now at Cape Florida, together with Sam Jones' men, who were on a visit to Chechichi.

One of the females states that Sam Jones has two white women with him, who belonged to a brig cast away on the Florida coast a year ago.—The men belonging to her were all murdered by the Indians.

At the encampment of Chechichi were found a quantity of the effects taken at the time of the massacre at Indian Key, and also some of the rifles taken from Col. Harney's men who were murdered some time since. It may be recollected that Chechichi made a treaty with Col. H., but that he broke it the first opportunity that offered, attacked his men in the night when they were totally unprepared, and murdered the whole party with the exception of Col. Harney and two of his men. This breach of faith probably induced Col. H. to deal summarily with the captive warriors.

An expedition, with Col. Harney as leader, was about to leave Cape Florida at the last date, to proceed against Sam Jones. The warrior belonging to the party of the latter, together with the negro, were to act as guides, and strong hopes were entertained that the expedition would succeed. In addition to the two white women, it was also understood that Jones had a white man named Charles Stewart prisoner, all of whom he compelled to work as slaves. The officer to whom the negro first related the plan of the Indians to attack the Key, is now under arrest.

## TO THE PUBLIC.

The Directors of the Bank of Cairo are aware of the excitement which exists in the community, in relation to the failure of Messrs. Wright & Co., of London, and they regret that an impression should have gone abroad, that because that firm was connected with the Cairo City Co., as their fiscal agents, the Bank must necessarily suffer!

They now take occasion to state, distinctly, that the house of Wright & Co. has no connection with the Bank of Cairo in any way whatever, and to the best belief of the Directors, they have no portion of its stock, inasmuch as the name of the firm is not on the books, either as an original holder, or as an assignee by transfer; and further, the failure of that house does not affect the liability of the Bank to meet its engagements.

The Banking Institution and the Cairo City Co. are distinct and separate corporations, and the pecuniary arrangements between the Cairo City Co. and Messrs. Wright & Co. were negotiated and realized by the parties themselves. The bank had no action in the matter whatever, and although the Bank of Cairo is the Depository of the funds of the Cairo City Co. it has not now, nor has it ever had any acceptances or other paper of liability of Wright & Co. For all advances made for the Cairo City Co., the Bank has been duly reimbursed by bills on Philadelphia and New York, drawn on the Treasurer, or on banks where the Company's funds were placed.

It is to be hoped that the foregoing, in addition to what has already been communicated to the public, will have the effect, so far as the bank is concerned, to allay any apprehensions, which may have been entertained prejudicial to its standing.

The Bank will resume specie payments simultaneously with the generality of the Western Banks.

By order, J. D. BAKER, President. Attest, S. JONES, Cashier. January 20, 1841.